

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
V.)	CASE NO: 2:07-cr-104-WKW-SRW
)	
NORMAN EVANS MCELROY, JR.)	

MOTION TO PERMIT FILING

NOW COMES the Defendant, **Norman McElroy**, by counsel, and respectfully requests permission to file the simultaneously filed Response to Order to Show Cause.

By Order of this Court, said Response due to be filed by January 18, 2008. It is being filed one day after that deadline, but prior to the time government counsel and the Court would ordinarily have to receive and review a January 18 filing.

In support of this request, undersigned counsel would show that she was unable to file the required Response by January 18 due to the necessity of attending four separate meetings on January 18, each of which required counsel's presence longer than anticipated, and included the following:

1. As Executive Director of the office of Federal Defender, counsel had to attend a budget review on January 18, scheduled to include essential staff who would thereafter be on leave, to address the FY 2009 budget request for this office, which is due within days of counsel's return from two required out-of-state meetings, scheduled for January 24 - 25 and January 28 - 31.

2. As Executive Director, counsel also had to meet on January 18 with staff

involved in the review of all prior cases of this office for preparation of a master list of defendants eligible for sentencing reductions pursuant to a recent amendment of the U.S. Sentencing Guidelines applicable to offenses involving crack cocaine. Preparation of this list is essential to counsel's participation in a "summit" on these cases on January 24 - 25, for which counsel must travel on January 23, and the personnel involved in preparation of this list would not be available again for final instruction before the list had to be completed and counsel departed.

3. As supervising attorney, undersigned counsel had to conduct the weekly staff attorney meeting on January 18. Other senior and supervising attorneys were out of the office, due to, respectively, personal leave and supervision of a new attorney in her first federal evidentiary hearing.

4. Undersigned counsel had an unexpected but essential meeting with an out of state client who is due to be sentenced next week. This client was originally assigned to another attorney, had been scheduled for an earlier appointment with undersigned counsel, but did not appear to meet with undersigned counsel until the afternoon of January 18. The office of the Federal Defender is presently "short staffed" due to departure of one staff attorney, participation in military duty of two staff attorneys, and paternity leave of another staff attorney, all of which are occurring this month. As a result, undersigned counsel has been involved in additional case assignment and re-assignment meetings, has personally acquired cases originally assigned to other attorneys, and has had to schedule additional

meetings with these clients, to prepare their cases.

While even these matters would ordinarily not have prevented counsel from preparing and filing the required Response after business hours on January 18, additional family matters on that evening prevented such filing. These matters include providing transportation and care to children, one of whom was presenting a rock concert.

Wherefore, counsel requests this Motion be granted.

Respectfully submitted,

s/Christine A. Freeman

CHRISTINE A. FREEMAN

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CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Christopher Snyder, Assistant United States Attorney, 131 Clayton Street, Montgomery, AL.

s/Christine A. Freeman
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